

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WALTER BECK CORPORATION d/b/a THE ) CIVIL DIVISION  
RAINBOW INN, )  
Plaintiff, ) Civil Action No. 04-348 - Erie  
vs. ) JUDGE MAURICE B. COHILL, JR.  
SAFECO CORPORATION, AMERICAN )  
ECONOMY INSURANCE COMPANY, and )  
AMERICAN STATES INSURANCE )  
COMPANY, )  
Defendants. )

ELECTRONICALLY FILED

AFFIDAVIT OF JOHN GATES

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF MCKEAN ) SS:  
)

Before me, a Notary Public, personally appeared John Gates, who being duly sworn, deposes and says as follows:

1. My name is John Gates, an adult individual residing in the Commonwealth of Pennsylvania. I state that the facts contained in the within Affidavit are based upon my own knowledge and personal information.

2. I was employed by the Walter Beck Corporation, doing business as The Rainbow Inn ("The Rainbow Inn"), from the time it opened until the time it ceased operations due to the December 5, 2003 fire ("the Fire").

3. In fact, I along with approximately 8 to 10 other individuals helped to rebuild and renovate The Rainbow Inn from the former hotel that it was to the bar/restaurant that it became.

4. In addition to the above, I worked at The Rainbow Inn in various capacities (bartender, bouncer, cook, handyman, etc.) and would fill in on an as-needed, part-time basis.

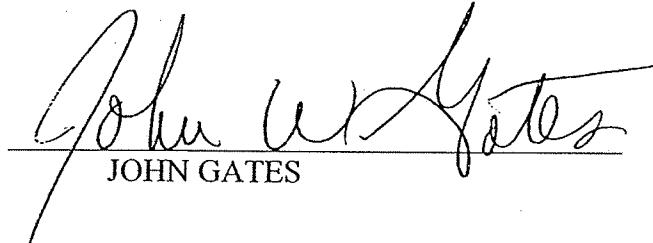
5. When not working at The Rainbow Inn, I was also a regular patron.

6. While working at and patronizing The Rainbow Inn, I observed a fire suppression system in place, which I understood to be operational. Specifically, I recall seeing various nozzles in the kitchen that would be activated in the case of a fire. I also recall seeing one or more tanks outside the back of The Rainbow Inn, which I understood were a part of the fire suppression system. Additionally, certain aspects of the fire suppression system, in particular those associated with the hood along the back wall of the kitchen, were visible from the bar area.

7. I state that if called to testify under oath in the above-captioned matter, I would testify to the facts and opinions set forth in the within Affidavit.

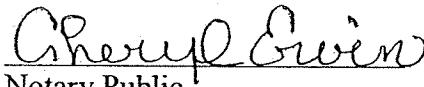
8. The facts set forth herein are true and correct of my own knowledge and personal information.

Nothing sayeth the Affiant further.



JOHN GATES

Sworn and subscribed to  
before me this 10 day of  
May, 2006.



Cheryl Ervin

Notary Public

